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**From:** Welles, Laura [Welles.Laura@epa.gov]  
**Sent:** 1/10/2017 10:53:51 PM  
**To:** Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]  
**Subject:** RE: Draft EAB memo -- EPA/Whole Foods Market administrative settlement -- enforcement confidential/work product

I think the SEP is the only one missing.

I'll review the appendices tomorrow, as well as work on the press templates.

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**From:** Fogarty, Johnpc  
**Sent:** Tuesday, January 10, 2017 5:47 PM  
**To:** Welles, Laura <Welles.Laura@epa.gov>  
**Subject:** RE: Draft EAB memo -- EPA/Whole Foods Market administrative settlement -- enforcement confidential/work product

## Ex. 5 AC/AWP/DP

Did we get all the appendices, btw, including the SEP?

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**From:** Welles, Laura  
**Sent:** Tuesday, January 10, 2017 5:43 PM  
**To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>  
**Subject:** RE: Draft EAB memo -- EPA/Whole Foods Market administrative settlement -- enforcement confidential/work product

Here's the revised draft EAB memo for you to review. Will you plug in the SEP portion?

# Ex. 5 AC/AWP/DP

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**From:** Fogarty, Johnpc  
**Sent:** Thursday, January 05, 2017 5:43 PM  
**To:** Welles, Laura <Welles.Laura@epa.gov>  
**Subject:** RE: Draft EAB memo -- EPA/Whole Foods Market administrative settlement

Some thoughts/suggestions in the attached, up to the SEP section which I hope to get to tomorrow afternoon. I assume you're reviewing the draft John & Jenn sent earlier today (I have not), so I reckon we should talk about that tomorrow if you're in, with an eye toward turning it back to them on Monday. See also below for more (in blue!)based on actually having read the draft! THANKS!

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**From:** Fogarty, Johnpc  
**Sent:** Thursday, January 05, 2017 3:23 PM  
**To:** Welles, Laura <Welles.Laura@epa.gov>  
**Subject:** RE: Draft EAB memo -- EPA/Whole Foods Market administrative settlement

Am looking at this now. Some answers/reactions (in advance of reading the draft) below -

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**From:** Welles, Laura  
**Sent:** Thursday, January 05, 2017 12:25 PM  
**To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>  
**Subject:** Draft EAB memo -- EPA/Whole Foods Market administrative settlement

See attached rough draft EAB memo. Initially I used the Walmart memo as a template, but I strayed in multiple places due to the circumstances of this matter, as well as the potential need for more description (e.g., setting up the factors associated with calculating the penalty per the RCRA penalty policy).

Per my usual way of doing things, highlighted sections are sections I have questions about, etc.

Questions/Issues:

**Ex. 5 AC/AWP/DP**

# **Ex. 5 AC/AWP/DP**

Let me know if you have any questions, etc. I'll also forward you the SEP example.

Thanks,  
Laura

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